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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/709,532

11/13/2000

Michael J. Bowes

108339-09057

4435

32294

7590

08/17/2006

SQUIRE, SANDERS & DEMPSEY L.L.P.

14TH FLOOR

8000 TOWERS CRESCENT

TYSONS CORNER, VA 22182

EXAMINER

MOORE JR, MICHAEL J

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/709,532	<b>Applicant(s)</b> BOWES, MICHAEL J.	
	<b>Examiner</b> Michael J. Moore, Jr.	<b>Art Unit</b> 2616	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

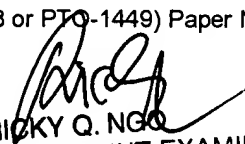
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
 RICKY Q. NGO  
 SUPERVISORY PATENT EXAMINER  
 Michael J. Moore, Jr. MM  
 Examiner  
 AU 2616

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claim 1, Applicant argues that Beuk (U.S. 5,774,673) contains no disclosure regarding the TYPE field being a request non-payload bit string corresponding to a pre-programmed packet request register, and a control bit string, identification bit string, and at least one parity bit.

However, Applicant is referred to page 3 of the previous Office Action where rationale is provided that supports this rejection. It is stated how the TYPE fields (non-payload bit string) of frames 610 and 630 of Figure 3 have a correspondence with a particular receiving means (register) 210 of Figure 2. It is also stated how the TYPE fields in the frames of Figure 3 correspond to a "control bit string" as spoken of on column 12, lines 36-43.

Applicant also argues that the message receiving means 210 of Figure 2 of Beuk does not correspond to the pre-programmed packet request register of this claim, and that Beuk fails to disclose or suggest that the message receiving means is pre-programmed and that it corresponds to a request non-payload bit string.

However, as provided in the previous Office Action, the TYPE field of frames 610 and 630 of Figure 3 of Beuk is a multiple bit field (bit string) separate from the DATA (payload) field that corresponds to a particular message receiving means 210 (packet request register) of Figure 2. The TYPE field provides indication of either a message or an acknowledgement frame as well as either a broadcast or group frame as spoken of on column 12, lines 36-43. Based upon this indication, each frame corresponds to either a message receiving means 210 (if TYPE indicates a message) or an acknowledgment receiving means 230 (if TYPE indicates an acknowledgement) that the particular frame is forwarded to. Therefore, it is held that the TYPE field of the frames 610 and 630 of Figure 3 provide a correspondence with a particular message receiving means 210.

Regarding the limitation, "pre-programmed", as no further explanation is given to this term in the claim, and since the message receiving means 210 of Figure 2 is configured (pre-programmed) to receive messages from message sending means 200, it is held that the message receiving means 210 anticipates this limitation.

Regarding claims 14 and 28, Applicant argues that Beuk does not disclose or suggest that the channel field in group frame 630 is used to identify and correlate a specific request message with a corresponding acknowledgement message and rather is used to identify a communication channel. Applicant further alleges that copying a field to another field is not the same as correlating a request message with an acknowledge message, as recited in the present claims. As stated before, while it is agreed that the channel field of Beuk does identify a communication channel, it is held that the channel field also "correlates a packet request message with a corresponding request acknowledge message" according to the following rationale.

As provided in the previous Office Action, Beuk teaches the channel field (identification number) shown in group frame 630 (packet request message) of Figure 3, that is copied (correlates) to the channel field of acknowledgement frame 640 (request acknowledge message) of Figure 3 and that is used to filter acknowledgement messages as spoken of on column 4, lines 38-48, and column 12, lines 19-28. As stated on column 4, lines 38-48, a receiving apparatus, which receives a group frame, specifying a specific communication channel, transmits in response an acknowledgement frame, which specifies the same communication channel (copied channel field). Then the apparatus, which sent the original group frame and now receives the acknowledgement frame, can compare the channels specified in both frames (determine whether the fields match) in order to filter out acknowledgments that are intended for other apparatuses. It is held that this copying of the channel field from the request message to the acknowledgment message provides a correlation between these two messages.